

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

December 2, 1997

PINE TREE TELEPHONE & TELEGRAPH CO.
Request for Designation of Eligible
Telecommunications Carrier

Docket No. 96-463

BRYANT POND TELEPHONE COMPANY
Request for Designation of Eligible
Telecommunications Carrier

Docket No. 97-460

COMMUNITY SERVICE TELEPHONE COMPANY
Request for Designation of Eligible
Telecommunications Carrier

Docket No. 97-461

CHINA TELEPHONE COMPANY
Request for Designation of Eligible
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COBBOSSEECONTEE TELEPHONE COMPANY
Request for Designation of Eligible
Telecommunications Carrier

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HAMPDEN TELEPHONE COMPANY
Request for Designation of Eligible
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Docket No. 97-464

HARTLAND & ST. ALBANS TELEPHONE
COMPANY
Request for Designation of Eligible
Telecommunications Carrier

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THE ISLAND TELEPHONE COMPANY
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LINCOLNVILLE TELEPHONE COMPANY
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MAINE TELEPHONE COMPANY
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BELL ATLANTIC	Docket No. 97-850

WELCH, Chairman; NUGENT and HUNT, Commissioners

I. SUMMARY

In this Order we clarify that any carrier certified as an eligible telecommunications carrier (ETC) will be exempt from the application of any provision of Chapter 81 of the Commission Rules which conflicts with the federal Lifeline/Linkup guidelines with regards to their service to Lifeline customers. Specifically, those provisions of Chapter 81 which would allow a carrier to disconnect local service for nonpayment of toll charges, deny a Lifeline customer's request for reestablishment of local service on the basis for a previous disconnection for nonpayment of toll charges, and require a Lifeline customer to pay service deposits in order to initiate service even if the subscriber voluntarily elects to receive toll blocking, are hereby preempted by federal Lifeline guidelines which prohibit such actions with regards to Lifeline customers.

II. BACKGROUND

On October 31, 1997, the Commission certified all of the above-listed parties except for Pine Tree and Bell Atlantic as ETCs. (The Commission expects to grant both Pine Tree and Bell Atlantic ETC status by the end of the year.) The Federal Communications Commission's (FCC) May 8, 1997 Universal Service Order (USO), prohibits ETCs from: (1) disconnecting Lifeline service for nonpayment of toll charges; (2) denying a Lifeline customer's request for reestablishment of local service on the basis that the customer was previously disconnected for nonpayment of toll charges; and (3) requiring that Lifeline subscribers pay service deposits in order to initiate service if the subscriber voluntarily elects to receive toll blocking. USO, §§ 390, 398. These federal Lifeline guidelines are effective January 1, 1998. Thus, in our Orders granting ETC status, we required that each ETC to file compliance Terms and Conditions, to be effective no later than December 31, 1997, implementing universal service elements and Lifeline/Linkup program changes.

In our July 17, 1997 Order opening an Inquiry (Docket No. 97-429) to obtain information to assist the Commission in implementing the universal service provisions of the Telecommunications Act of 1996 (TelAct), we announced that "this fall, the Commission will open a rulemaking proceeding to revise its Chapter 810 to address the issue of disconnecting a

residential customer's local service for nonpayment of toll charges and to comply with the FCC rule forbidding carriers from disconnecting a Lifeline customer's local service for nonpayment of toll bills." The Commission has not yet completed its Chapter 810 rulemaking procedure and will not do so by the end of the year. Accordingly, it is necessary to modify the application of Chapter 810 to ETCs only for purposes of their service to Lifeline customers. Further changes to Chapter 810 which will be applicable to all carriers will be effectuated through the Chapter 810 rulemaking proceeding.

III. ORDER

Thus, we hereby suspend the application of those provisions of Chapter 810 which conflict in any way with the federal Lifeline/Linkup guidelines to ETCs in their provision of service to Lifeline/Linkup customers. We also extend the deadline for filing of compliance tariffs by ETCs until December 15, 1997. ETCs are reminded that their tariffs must reflect all of the federally-mandated guidelines, including but not limited to:

(1) the prohibition against disconnection of local service for nonpayment of toll charges;

(2) the prohibition against denial of a Lifeline customer's request for reestablishment of local service on the basis for a previous disconnection for nonpayment of toll charges;

(3) the prohibition against requiring a Lifeline customer to pay service deposits in order to initiate service even if the subscriber voluntarily elects to receive toll blocking; and

(4) the requirement that ETCs must apply partial payments received from Lifeline customers first to local service charges and then to toll charges.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent
Hunt